

PROB 12C
(7/93)Report Date: November 15, 2012
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

United States District Court

for the

Eastern District of Washington

NOV 15 2012

JAMES R. LARSEN, CLERK
DEPUTY
RICHLAND, WASHINGTON**Petition for Warrant or Summons for Offender Under Supervision**

Name of Offender: Esteban Rodolfo Alaniz

Case Number: 2:07CR02115-002

Address of Offender:

Name of Sentencing Judicial Officer: The Honorable Edward F. Shea, Senior U.S. District Judge

Date of Original Sentence: 9/30/2008

Original Offense: Conspiracy to Distribute Controlled Substance, 21 U.S.C. § 846

Original Sentence: Prison - 36 Months; TSR - 48 Months Type of Supervision: Supervised Release

Asst. U.S. Attorney: Alison L. Gregoire Date Supervision Commenced: 5/1/2012

Defense Attorney: Edwin F. Alden Date Supervision Expires: 10/28/2014

PETITIONING THE COURT

To incorporate the violations contained in this petition in future proceedings with the violations previously reported to the Court on 10/26/2012.

The probation officer believes that the offender has violated the following conditions of supervision:

Violation Number Nature of Noncompliance

5 **Standard Condition #3:** The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer.

Supporting Evidence: Esteban Alaniz failed to make himself available for the collection of a urinalysis on November 5, 2012.

On October 30, 2012, the defendant reported for an office visit and agreed to be home every Monday, Wednesday, and Friday from 8 a.m. to 10 a.m. for the purpose of urinalysis testing. Mr. Alaniz had been reporting in person and by phone on the aforementioned days but asked if this officer could see him at his home instead, as he no longer had access to a phone and wanted to save on gas. This officer agreed as the defendant only lives a couple of blocks from the U.S. Probation Office.

On November 5, 2012, the undersigned officer attempted to contact the defendant at his listed residence at approximately 9:30 a.m. Contact was made with the defendant's girlfriend who related he had gone to work at 7 a.m. and would not be home until after 11 p.m. Contact was then made with the defendant's employer who related he had not gone to work that morning.

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On November 7, 2012, Mr. Alaniz reported to the U.S. Probation Office and related he had not gone to work the morning of November 5, 2012, and did not know why his girlfriend would have stated he had gone to work. The defendant reported being home until 10 a.m. but mentioned he had forgotten to turn back his clock 1-hour due to daylight savings time, and believed that is why this officer had missed him.

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Standard Condition #3: The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer.

Supporting Evidence: Mr. Alaniz failed to report to the U.S. Probation Office on November 6, 2012, at 8 a.m. and on November 7, 2012, at 8 a.m.

On November 5, 2012, the undersigned officer contacted the defendant's girlfriend at their listed residence and provided her with a business card with instructions for the defendant to report for an office visit on November 6, 2012, at 8 a.m. The defendant's girlfriend related she would make sure he received the message.

On November 6, 2012, the defendant failed to report as directed. Later that day at approximately 4 p.m. the defendant's girlfriend called and reported she was unable to provide the defendant with this officer's message because she had spent the night at her grandmother's home. She then related she would make sure he received the message that day and would have him report on November 7, 2012, at 8 a.m.

On November 7, 2012, the defendant reported for an office visit at approximately 2 p.m. When questioned as to why he failed to report that morning, he stated he slept until noon. It should be noted the defendant only worked until about 5 p.m. the night before.

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Standard Condition #3: The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer.

Supporting Evidence: Mr. Alaniz failed to report to the U.S. Probation Office on November 9, 2012.

On November 7, 2012, the defendant reported for an office visit at which time a urine sample was collected from him which tested presumptive positive for opiates. Mr. Alaniz denied any illegal drug use, therefore, the sample was sent to Alere Laboratories for testing. As a result of the presumptive positive test, he was directed to report for an office visit on November 9, 2012, at 8 a.m. for a urinalysis test. Mr. Alaniz stated he understood and said he would report as directed.

On November 9, 2012, Mr. Alaniz failed to report as directed. When questioned as to why he failed to report or contact this officer that day, he related he had to work and did not have access to a phone.

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Special Condition # 17: You shall abstain from the use of illegal controlled substances, and shall submit to urinalysis testing, as directed by the supervising probation officer, but no more than six tests per month, in order to confirm continued abstinence from these substances.

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Supporting Evidence: Mr. Alaniz failed to report to Merit Resource Services (Merit) for a urinalysis test on November 13, 2012.

On November 14, 2012, the undersigned officer received a letter from Merit stating the defendant had failed to report to their office for a urinalysis test on November 13, 2012.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: November 15, 2012

s/Jose Vargas

Jose Vargas
U.S. Probation Officer

THE COURT ORDERS

- No Action
- The Issuance of a Warrant
- The Issuance of a Summons
- The incorporation of the violation(s) contained in this petition with the other violations pending before the Court.
- Other



Signature of Judicial Officer



Date